

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO: 13-20368
HONORABLE VICTORIA A. ROBERTS

v.

OSCAR LINARES, M.D.,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. #52);
DENYING DEFENDANT’S MOTION TO SUPPRESS (Doc. #43)**

Defendant Oscar Linares, M.D. filed a Motion to Suppress Evidence, including information and things obtained during the execution of three search warrants on his office and two residences. The Court referred the Motion to Magistrate David R. Grand.

On May 4, 2015, Magistrate Judge Grand filed a Report and Recommendation (“R&R”) recommending the Court deny Linares’ Motion to Suppress. Specifically, Magistrate Judge Grand found: (1) the affidavit by Task Force Officer Jason S. Davis supplied the requisite probable cause to seize 343 patient files listed in the search warrant addendums but not specifically discussed in the affidavits; (2) the portion of the warrants seeking “all business and personal financial information” for Linares and the Center are not impermissibly over-broad; (3) the search warrants for two residences were supported by sufficient probable cause to establish a nexus between those locations and the items expected to be seized; (4) none of the evidence taken from the Plymouth residence should be suppressed because the search of the Monroe home

was constitutional; even if it was not, the independent source rule supports the warrant; and (5) even assuming all three warrants are deficient, none of the items should be suppressed because the good faith exception to the exclusionary rule applies.

On May 14, 2015, Linares filed objections to the R&R; the Government responded.

The district court must conduct a de novo review of those portions of the report and recommendation to which an objection has been made. Fed. R. Civ. P. 72(b)(3). The district judge may accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1)(C). After completing a de novo review, there is no requirement that the district court articulate all of the reasons it rejects a party's objections. *Tuggle v. Seabold*, 806 F.2d 87, 93 (6th Cir. 1986).

Magistrate Judge Grand accurately described the facts and engaged in a thorough analysis of the issues with reasoned explanations for his conclusions.

The Court **ADOPTS** Magistrate Judge Grand's Report and Recommendation. Defendant's Motion to Suppress is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: June 23, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 23, 2015.

s/Linda Vertriest
Deputy Clerk